IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.8595 OF 2005

State of Maharashtra .. Applicant

Versus

Santosh Ramdas Tayade .. Respondent

Ms.M.M.Deshmukh, A.P.P. for applicant

Mr.Kuldeep S. Patil for respondent

CORAM : S.C.DHARMADHIKARI, J.

DATE : 11th September 2006.

P.C.

. Respondent accused at the relevant time was Gram Sevak. It is alleged that he has misappropriated an amount of Rs.12 lakhs which are public funds. He was placed under suspension

consequent upon registration of C.R. He applied for anticipatory bail which application is allowed by the impugned order. Learned A.P.P. states that the respondent accused is now reinstated in service pending departmental proceedings. Even otherwise, it is not pointed out to me as to how the order is vitiated by non application of mind or that the learned Judge has failed to apply the relevant factors for considering the application.

2. In such circumstances and upon the respondent being reinstated no useful purpose will be served by entertaining this application. It is accordingly dismissed.

3. However, the observations of the learned Judge shall not in any manner influence the trial of the case which shall be concluded on its own merits and in accordance with law.

4. Similarly, the order granting anticipatory bail shall enure to the benefit of the respondent only till the charge sheet is filed. Thereafter, it would be open for respondent to apply for regular bail by filing appropriate application. It also appears that the learned Judge has not imposed any condition upon accused of attendance.

5. Interest of justice would be sub-served if respondent is directed to report at M.I.D.C. Mahad police station once in a fortnight. Application disposed of.

(S.C.Dharmadhikari, J)